

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

FILED

2007 SEP 10 P 4: 16

W. Samuel Hamrick, Jr.
Clerk of Court

CR - 07 - 00544 - JW

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
N.D. DIST. OF CALIF.

September 6, 2007

Clerk, U.S. District Court
Northern District of California
5123 Robert F. Peckham Federal Building and United States Courthouse
280 South First Street
San Jose, CA 95113-3002

Re: 07mj1888-BLM, USA v. Miguel Angel Martinez-Mendoza

Dear Clerk of the Court:

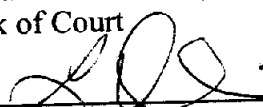
Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the above named defendant:

<u> X </u> Docket Sheet	<u> X </u> Warrant of Removal
<u> X </u> Complaint	<u> </u> Order of Removal
<u> </u> Minute Order Appointing Counsel	<u> </u> Detention Order
<u> </u> Corporate Surety Bond	<u> </u> Waiver of Removal
<u> </u> Personal Surety Bond	
<u> </u> Other	

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: 
L Odierno, Deputy Clerk

Arrest on Out-of-District Offense

UNITED STATES DISTRICT COURT**SOUTHERN DISTRICT OF CALIFORNIA**

2007 AUG -6 PM 3: 25

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**ARREST ON OUT-OF-DISTRICT OFFENSE**

AD DEPUTY

Magistrate Case Number **'07 MJ 1888**

The person charged as Miguel Angel MARTINEZ-Mendoza now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Northern District of California with Unlawful re-entry into the United States after deportation without the permission of the Attorney General. in violation of Title 8, United States Code, 1326

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 8/6/07

(Name)

Steph. J. Pendergast

Reviewed and Approved:

Dated: 8/6/07(Caroline)
Assistant United States AttorneyI hereby attest and certify on 9/6/07

That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABy (Signature) Deputy

AO 442 (Rev. 5/93) Warrant for Arrest

FILING

United States District Court
Northern District of California

UNITED STATES OF AMERICA,

v.

MARTINEZ-Mendoza, Miguel Angel

WARRANT FOR ARREST

07 70402

RS

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest MARTINEZ-Mendoza, Miguel Angel

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint
☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with

unlawful re-entry into the United States after deportation without the permission of the Attorney General
in violation of Title 8 United States Code, Section(s) 1326

Richard Seeborg
Name of Issuing Officer

U.S. Magistrate Judge
Title of Issuing Officer

[Signature]
Signature of Issuing Officer

July 9, 2007, San Jose, CA
Date and Location

JUN 30 12:47

RECEIVED
UNITED STATES MARSHAL

Bail fixed at \$ No Bail

by Richard Seeborg
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

WARRANT HELD BY
U.S. MARSHAL, SAN JOSE

Date received

Name and Title of Arresting Officer

Signature of Arresting Officer

Date of Arrest

RETURN ON THIS FORM

E-FILED

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2007 JUL -9 P 2:14

UNITED STATES OF AMERICA

v.

MARTINEZ-Mendoza, Miguel Angel
(Name and Address of Defendant)

RICHARD W. WIERING
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

07 70402

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than May 22, 2007 in Monterey County in the Northern District of California defendant(s) WAS, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following

Official Title

facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bernard T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence.

Signature of Clerk

7-9-07

Date

at

San Jose, California

City and State

Richard Seeborg
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

Jul-30-07

Case 3:07-mj-01888-BLM

Document 1

Filed 08/06/2007

Page 4 of 6

F-321

RE: MARTINEZ-Mendoza, Miguel Angel A92 033 665

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. MARTINEZ-Mendoza is a 35-year-old male who has used eight (8) aliases and two (2) dates of birth in the past.
- (2) Mr. MARTINEZ-Mendoza has been assigned one (1) Alien Registration number of A92 033 665, FBI number of 130556NA3, California Criminal Information Index number of A08390527, and a California Department of Correction number F41608.
- (3) Mr. MARTINEZ-Mendoza is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on four (4) occasions from the United States:

DATE

November 1, 1996

November 23, 2002

July 26, 2003

April 26, 2005

PLACE OF DEPORTATION

Calexico, CA

Laredo, TX

San Ysidro, CA

San Ysidro, CA

- (4) Mr. MARTINEZ-Mendoza last entered the United States at or near San Ysidro, CA on or after April 26, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MARTINEZ-Mendoza on a date unknown, but no later than May 22, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 22, 2007, Mr. MARTINEZ-Mendoza was interviewed by Immigration Enforcement Agent (IEA) Alejandro Felix at the CTF-Soledad State Prison, Soledad, CA, and during that interview, Mr. MARTINEZ-Mendoza was advised of his Miranda rights in English. Mr. MARTINEZ-Mendoza waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportations, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: MARTINEZ-Mendoza, Miguel Angel A92 033 665

- (6) Mr. MARTINEZ-Mendoza was, on July 26, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of RECEIVE STOLEN PROPERTY, a felony, in violation of Section 496.1 of the California Penal Code, and was sentenced to one hundred eighty (180) days in jail.
- (7) Mr. MARTINEZ-Mendoza was, on November 16, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of CARRY CONCEALED WEAPON ON PERSON/VEHICLE, a misdemeanor, in violation of Section 12025 of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) Mr. MARTINEZ-Mendoza was, on November 20, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of UNLAWFUL TAKING OF A VEHICLE, a felony, in violation of Section 10851.A of the California Vehicle Code, and was sentenced to three (3) years with the California Youth Authority.
- (9) Mr. MARTINEZ-Mendoza was, on January 22, 1999, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of BURGLARY, a felony, in violation of Section 459 of the California Penal Code, and was sentenced to one hundred twenty (120) days in jail.
- (10) Mr. MARTINEZ-Mendoza was, on June 7, 2002, convicted in the United States District Court, Western District of Texas, for the offense of ILLEGAL RE-ENTRY, in violation of 8 United States Code Section 1326, and was sentenced to eight (8) months.
- (11) Mr. MARTINEZ-Mendoza was, on June 02, 2003, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to three hundred sixty five (365) days in jail.
- (12) Mr. MARTINEZ-Mendoza was, on July 16, 2004, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of CARRY A DIRK OR DAGGER, a felony, in violation of Section 12020(a)(4) of the California Penal Code, and was sentenced to two (2) years in prison.
- (13) Mr. MARTINEZ-Mendoza was, on October 12, 2005, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.

Jul-30-07

Case 3:07-crj-01888-BLM

Document 1


Filed 08/06/2007

Page 6 of 6

F-321

RE: MARTINEZ-Mendoza, Miguel Angel A92 033 665

- (14) Mr. MARTINEZ-Mendoza was, on July 13, 2006, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF FIREARM BY A FELON, an aggravated felony, in violation of Section 12021(a)(1) of the California Penal Code, and was sentenced to two (2) years in prison.
- (15) On the basis of the above information, there is probable cause to believe that Mr. MARTINEZ-Mendoza illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.


Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 9th day of July, 2007


RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

APPEARANCE

Case Number: 07mj1888

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

MIGUEL ANGEL MARTINEZ-MENDOZA

I certify that I am admitted to practice in this court.

8/9/2007

Date

/s/ ERICK L. GUZMAN

Signature

Erick L. Guzman/Federal Defenders of SD

244391

Print Name

Bar Number

225 Broadway, Suite 900

Address

San Diego, CA 92101

City

State

Zip Code

(619) 234-8467

Phone Number

(619) 687-2666

Fax Number

I hereby attest and certify on 9-10-07
That the foregoing document is a full, true and correct
copy of the original ~~document~~
submitted.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By

Deputy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 07mj1888
)	
v.)	
)	CERTIFICATE OF SERVICE
MIGUEL ANGEL MARTINEZ-MENDOZA,)	
)	
Defendant.)	

Counsel for Defendant certifies that the foregoing pleading, is true and accurate to the best of his information and belief, and that a copy of the foregoing Defendant's Notice of Appearance has been electronically served this day upon:

United States Attorney's Office
880 Front Street
San Diego, CA 92101

and a copy mailed to:

Miguel Angel Martinez-Mendoza
Defendant

Dated: August 9, 2007

/s/ Erick L. Guzman
ERICK L. GUZMAN
Federal Defenders
225 Broadway, Suite 900
San Diego, CA 92101-5030
(619) 234-8467 (tel)
(619) 687-2666 (fax)
erick_guzman@fd.org

MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U.S.A. vs. Miguel Angel Martinez-Mendoza No. 07MJ1888
HON. Barbara Lynn Major Tape No. BLM07-1; 10:44-11:37
Asst. U.S. Attorney Caleb Mason PTSO _____

						#	Status
Atty	<u>Erick Guzman- FD</u>	<u>X</u>	<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>(1)</u>	<u>(CUST)</u>
	_____		<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>() ()</u>	
	_____		<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>() ()</u>	
	_____		<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>() ()</u>	
	_____		<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>() ()</u>	
	_____		<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>() ()</u>	
	_____		<u>Apt</u>	<u>Ret</u>	<u>for</u>	<u>() ()</u>	
	_____		<u>Apt for Material Witness(es)</u>				

PROCEEDINGS: _____ In Chambers X In Court _____ By Telephone _____

Removal/ID hearing held. Government Witness: Agent Jack McCormak C/S/T. Governments exhibits # A-F marked & Received into evidence- see attached exhibit list. Defendants exhibit #1 identified.

Court find that the defendant here today which is charged in the Indictment out of the Northern District of California, and based upon the evidence presented in court that the defendant is the person charged in the Northern District of California. Court ordered that the defendant be removed forthwith by the U.S. Marshals. Warrant of Removal filed with the court.

Governments exhibits # A-F were returned to AUSA.

Date 8/28/07

IF lf
Deputy's Initials

I hereby attest and certify on 9-6-07
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

[illegible]

Warrant of Removal (After Hearing)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 AUG 29 AM 9:06
Magistrate CaseNo. 07-511888 DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAWARRANT OF REMOVAL
(After Hearing) DEPUTY

UNITED STATES OF AMERICA

v.

MIGUEL ANGEL MARTINEZ-MENDOZA

To: United States Marshal

An indictment having been filed in the Northern District of California, charging defendant MIGUEL ANGEL MARTINEZ-MENDOZA, with unlawful re-entry into the United States after deportation without the permission of the Attorney General, in violation of Title 8, United States Code, Section 1326, and the above-named defendant having been arrested in this district and, after a hearing pursuant to Federal Rules of Criminal Procedure 5(c) and 5.1(a), having been committed by a United States Magistrate Judge to your custody pending his removal to that district,

You are hereby commanded to commit the above-named defendant forthwith to the Northern District of California and there deliver him to the United States Marshal for that district or the other officer authorized to receive him.

HON. NITA L. STOKES
United States Magistrate Judge

Dated at San Diego, California, this 28th day of August, 2007.

RETURN

Northern District of California (at San Jose)

ss

Received the within warrant of removal the _____ day of _____, 2007, and executed same.

I hereby attest and certify on 9-6-07
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABy [Signature] Deputy

U. S. Marshal

By _____ Deputy Marshal

CLOSED

**U.S. District Court
Southern District of California (San Diego)
CRIMINAL DOCKET FOR CASE #: 3:07-mj-01888-BLM All
Defendants
Internal Use Only**

Case title: USA v. Martinez-Mendoza

Date Filed: 08/07/2007

Date Terminated: 08/28/2007

Assigned to: Magistrate
Judge Barbara Lynn Major

Defendant

**Miguel Angel Martinez-
Mendoza (1)**

*TERMINATED: 08/28/2007*represented by **Federal Defenders**

Federal Defenders of San
Diego

225 Broadway

Suite 900

San Diego, CA 92101-5008

(619)234-8467

Fax: (619)687-2666

Email: cassd_ecf@fd.org*TERMINATED: 08/09/2007***LEAD ATTORNEY****ATTORNEY TO BE****NOTICED***Designation: Public Defender**or Community Defender**Appointment*

I hereby attest and certify on 9/6/07
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

By [Signature] Deputy

Erick Guzman
Federal Defenders
225 Broadway

Suite 900
San Diego, CA 92101
(619)234-8467
Email: erick_guzman@fd.org

*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED
Designation: Public Defender
or Community Defender
Appointment*

Pending Counts

None

**Highest Offense Level
(Opening)**

None

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

8:1326 - Unlawful re-entry
into the US after deportation
without the permission of the
Attorney General

Disposition**Disposition****Disposition****Plaintiff**

USArepresented by **U S Attorney CR**

U S Attorneys Office

Southern District of

California

880 Front Street

Room 6293

San Diego, CA 92101

(619)557-5610

Fax: (619)557-5917

Email:

Efile.dkt.gc2@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE****NOTICED***Designation: Assistant United
States Attorney*

Date Filed	#	Docket Text
08/06/2007	●1	OUT OF DISTRICT COMPLAINT as to Miguel Angel Martinez-Mendoza (1). (av1) (Entered: 08/07/2007)
08/06/2007	●	Arrest of Miguel Angel Martinez-Mendoza (kaj) (Entered: 08/08/2007)
08/07/2007	●2	Minute Entry for proceedings held before Magistrate Judge Barbara Lynn Major:Initial Appearance as to Miguel Angel Martinez-Mendoza held on 8/7/2007, dft informed of charges, Federal Defenders appointed for Miguel Angel Martinez-Mendoza, no bail set, Removal/ID Hearing set for 8/21/2007 09:00 AM in Courtroom F before Magistrate Judge Nita L. Stormes. (Tape #BLM07-1;1:59-2:07).(Plaintiff Attorney Joseph Orabona, AUSA).(Defendant Attorney Jason Ser, FD). (kaj) (Entered: 08/08/2007)
08/09/2007	●3	NOTICE OF ATTORNEY APPEARANCE: Erick

		Guzman appearing for Miguel Angel Martinez-Mendoza (Attachments: # 1 Proof of Service) (Guzman, Erick) (Entered: 08/09/2007)
08/21/2007	●4	Minute Entry for proceedings held before Magistrate Judge Nita L. Stormes :Removal/ID Hearing as to Miguel Angel Martinez-Mendoza not held on 8/21/2007. Removal/ID Hearing continued to 8/28/2007 09:00 AM before Magistrate Judge Barbara Lynn Major. (Tape #NLS07-9:12 to 9:15)(Plaintiff Attorney Caleb Mason, AUSA)(Defendant Attorney Erick Guzman, FD-N/A; Kris Kraus, FD-S/A) (gep) (Entered: 08/21/2007)
08/28/2007	●5	Minute Entry for proceedings held before Judge Barbara Lynn Major :Removal/ID hearing held. Government Witness: Agent Jack McCormak C/S/T. Governments exhibits # A-F marked and Received into evidence-see attached exhibit list. Defendants exhibit #1 identified. Court find that the defendant here today is charged in the Indictment out of the Northern District of California, and based upon the evidence presented in court that the defendant is the person charged in the Northern District of California. Court Ordered that the defendant be removed forthwith by the U.S. Marshals. Warrant of Removal filed with the Court. Governments exhibits # A-F were returned to AUSA. (Tape #BLM07-1:10:44-11:37). (Plaintiff Attorney Caleb Mason, AUSA).(Defendant Attorney Erick Guzman, FD). (lao) (Entered: 09/06/2007)
08/29/2007	●6	WARRANT of Removal to Northern District of California Issued as to Miguel Angel Martinez-Mendoza. (lao) (Entered: 09/06/2007)